

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Randy A. Rapchak
Lisa A. Rapchak
aka Lisa A. Porter**
Debtor(s)

Bankruptcy Case No.: 17-21045-JAD
Issued Per Dec. 7, 2017 Proceeding
Chapter: 13
Docket No.: 45 – 40, 43
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 26, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: PNC Bank, N.A. at Claim No. 4 .
- ☐ H. Additional Terms:

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

Dated: December 11, 2017

Jeffery A. Deller
United States Bankruptcy Judge

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Randy A. Rapchak
 Lisa A. Rapchak
 Debtors

Case No. 17-21045-JAD
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 54

Date Rcvd: Dec 11, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 13, 2017.

db/jdb
 cr
 14384784 +Randy A. Rapchak, Lisa A. Rapchak, 907 Newell Road, Fayette City, PA 15438-1159
 14384785 +Nationstar Mortgage LLC, 8950 Cypress Waters Blvd, Coppell, TX 75019-4620
 14384786 +AmerAssist, P.O. Box 26095, Columbus, OH 43226-0095
 14384787 +Bank of America, N.A., P.O. Box 982284, El Paso, TX 79998-2284
 Becket & Lee LLP, P.O. Box 3001, Malvern, PA 19355-0701
 +CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285
 (address filed with court: Capital One, c/o TSYS Total Debt Management, P.O. Box 5155, Norcross, GA 30091)
 14384790 Chase, P.O. Box 15298, Wilmington, DE 19850-5298
 14384791 +Citi Card, P.O. Box 6500, Sioux Falls, SD 57117-6500
 14384792 +Colonial Acceptance, 312 Fallowfield Avenue, Charleroi, PA 15022-1405
 14384794 +Creditors Financial Group, P.O. Box 440290, Aurora, CO 80044-1500
 14384800 +David R. Galloway, Esq., 54 East Main Street, Mechanicsburg, PA 17055-3851
 14384795 Encore Receivable Management, Inc., 400 North Rogers Road, P.O. Box 3330, Olathe, KS 66063-3330
 14384796 +FMA Alliance, Ltd., 12339 Cutten Road, Houston, TX 77066-1807
 14384797 Foundation Radiology Group, PC, P.O. Box 60, Pittsburgh, PA 15230-0060
 14384798 +Frazier SD & Newell Boro. c/o SWRTB, One Centennial Way, Scottsdale, PA 15683-1741
 14384799 +Fulton Friedman & Gullace, 130 Gettysburg Place, Mechanicsburg, PA 17055-5653
 14384801 HSBC Card Services, P.O. Box 81622, Salinas, CA 93912-1622
 14384802 +Image Time, Inc., 2965 Pittsburgh Road, Perryopolis, PA 15473-1005
 14384804 +Jefferson Pain & Rehabilitation Center, 4735 Clairton Boulevard, Pittsburgh, PA 15236-2106
 14384805 +KML Law Group, Suite 5000 BNY Mellon Independence Ctr., 701 Market Street, Philadelphia, PA 19106-1538
 14384806 Laboratory Corporation of America, P.O. Box 2240, Burlington, NC 27216-2240
 14384808 Midland Funding, P.O. Box 268941, Oklahoma City, OK 73126-8941
 14384811 Monongahela Valley Hospital, 1163 Country Club Road, Monongahela, PA 15063-1095
 14403081 +NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
 (address filed with court: Nationstar Mortgage, Attn: Bankruptcy Department, P.O. Box 619096, Dallas, TX 75261-9741)
 14384813 +NCB Management Services, Inc., P.O. Box 1099, Langhorne, PA 19047-6099
 14384812 National Enterprise Systems, 29125 Solon Road, Solon, OH 44139-3442
 14384814 +Northland Group, Inc., P.O. Box 390846, Minneapolis, MN 55439-0846
 14403082 Northstar Location Services, 4285 Genesee Street, Cheektowaga, NY 14225-1943
 14664532 +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982
 14384819 +PNC Bank, Consumer Loan Center, 2730 Liberty Avenue, Pittsburgh, PA 15222-4704
 14384820 +PNC Bank, N.A., 3232 Newmark Drive, Miamisburg, OH 45342-5421
 14384817 Partners in Nephro and Endo, 5171 Liberty Avenue, Pittsburgh, PA 15224-2254
 14384818 Penn Credit Corporation, 916 S 14th Place, P.O. Box 988, Harrisburg, PA 17108-0988
 14384823 Rohland, Patt, Rohland Associates, 119 Thornton Road, Brownsville, PA 15417-9607
 14384824 Uniontown Hospital, 500 West Berkeley Street, Uniontown, PA 15401-5596

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14384782 +E-mail/Text: holly.tylka@advanceddisposal.com Dec 12 2017 01:31:54 Advanced Disposal, P.O. Box 266, 1184 McClellandtown Road, McClellandtown, PA 15458-1118
 14384783 +E-mail/Text: roy.buchholz@allianceoneinc.com Dec 12 2017 01:30:54 Alliance One Receivables Management, 4850 Street Road--Suite 300, Trevoze, PA 19053-6600
 14384788 E-mail/PDF: gecsedirecoverycorp.com Dec 12 2017 01:35:18 CareCredit/Synchrony Bank, Attn: Bankruptcy Department, P.O. Box 965060, Orlando, FL 32896-5060
 14384789 +E-mail/Text: bankruptcy@cavps.com Dec 12 2017 01:32:05 Cavalry Portfolio Services, 500 Summit Lake Drive--Suite 400, Valhalla, NY 10595-2322
 14672659 +E-mail/Text: bankruptcy@cavps.com Dec 12 2017 01:32:05 Cavalry SPV I, LLC, 500 Summit Lake Drive, Ste 400, Valhalla, NY 10595-1340
 14384793 E-mail/PDF: creditonebknotifications@resurgent.com Dec 12 2017 01:35:40 Credit One Bank, P.O. Box 98873, Las Vegas, NV 89193-8873
 14384803 E-mail/Text: cio.bncmail@irs.gov Dec 12 2017 01:31:06 Internal Revenue Service, P.O. Box 7346, Philadelphia, PA 19101-7346
 14384807 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 12 2017 01:31:40 Midland Credit Management, Inc., P.O. Box 2121, Warren, MI 48090-2121
 14384810 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 12 2017 01:31:40 Midland Funding, P.O. Box 60578, Los Angeles, CA 90060-0578
 14384809 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 12 2017 01:31:40 Midland Funding, 2365 Northside Drive--Suite 300, San Diego, CA 92108-2709
 14673397 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 12 2017 01:31:40 Midland Funding LLC, PO Box 2011, Warren MI 48090-2011
 14384815 +E-mail/Text: bncmail@w-legal.com Dec 12 2017 01:31:57 Oak Harbor Capital IV, LLC, c/o Weinstein and Riley, PS, 2001 Western Avenue--Suite 400, Seattle, WA 98121-3132
 14384816 E-mail/Text: RVSVCBICNOTICE@state.pa.us Dec 12 2017 01:31:28 PA Department of Revenue, Bankruptcy Division, P.O. Box 280946, Harrisburg, PA 17128-0946
 14384821 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 12 2017 01:41:24 Portfolio Recovery, 130 Corporate Boulevard, Norfolk, VA 23502
 14679483 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 12 2017 01:41:47 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 54

Date Rcvd: Dec 11, 2017

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

14386042 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 12 2017 01:41:47
PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14407955 E-mail/Text: RVSVCBICNOTICE1@state.pa.us Dec 12 2017 01:31:29
Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946,
Harrisburg PA 17128-0946
14384822 +E-mail/PDF: resurgentbknotifications@resurgent.com Dec 12 2017 01:36:05
Resurgent Capital Services, P.O. Box 10675, Greenville, SC 29603-0675
14641084 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 12 2017 01:41:22 Verizon,
by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr PNC BANK, NATIONAL ASSOCIATION
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14670633* ++NATIONSTAR MORTGAGE LLC, PO BOX 619096, DALLAS TX 75261-9096
(address filed with court: Nationstar Mortgage LLC, PO Box 619096, Dallas, TX 75261-9741)
TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 13, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 11, 2017 at the address(es) listed below:

Charles O. Zebley, Jr. on behalf of Joint Debtor Lisa A. Rapchak COZ@Zeblaw.com,
Lori@Zeblaw.com, Janet@Zeblaw.com
Charles O. Zebley, Jr. on behalf of Debtor Randy A. Rapchak COZ@Zeblaw.com, Lori@Zeblaw.com,
Janet@Zeblaw.com
Daniel R. White on behalf of Joint Debtor Lisa A. Rapchak dwhite@zeblaw.com,
gianna@zeblaw.com; dwhite.zmw@gmail.com; r63228@notify.bestcase.com
Daniel R. White on behalf of Debtor Randy A. Rapchak dwhite@zeblaw.com,
gianna@zeblaw.com; dwhite.zmw@gmail.com; r63228@notify.bestcase.com
James Warmbrodt on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bkgroup@kmlawgroup.com
Kevin Scott Frankel on behalf of Creditor Nationstar Mortgage LLC pabk@logs.com
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 8